

S.B. Criminal Misc. Bail Application No.2696/2006

Date : 04.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. R.K. Charan for the applicant.

Mr. Vishnu Kachhawaha, Public Prosecutor.

By this application under Section 439 Cr.P.C., the applicant has sought bail in FIR No.128/2006, Police Station Kapasan, District Chittorgarh for the offence under Sections 8/15, 8/25 and 8/29 of the NDPS Act.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that in this case accused-applicant was not found with the contraband material and there is no evidence whatsoever available on record to show that the contraband material was with him and he was indulged in such activities.

On the other hand, learned Public Prosecutor has opposed the bail application and submits that huge quantity of contraband material was recovered from other accused namely Kuldeep who has stated that contraband material was of the applicant, therefore, he should not be enlarged on bail.

I have considered the submission made before me and

taking into consideration the overall facts and circumstances of the present case, I think it just and proper to enlarge the accused applicant on bail as no convincing material has been brought to the notice of the Court.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicant Bhura Das son of Sukha Das shall be released on bail in FIR No.128/2006 P.S. Kapasan, District Chittorgarh, provided he executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial and also satisfy following conditions :

(1)that he shall furnish an undertaking that no such offence shall be repeated by him subsequently and be of good behaviour and keep peace.

(SATYA PRAKASH PATHAK), J.